



United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6143	DATE	1/29/2008
CASE TITLE	Furstenau vs. City of Naperville, et al.		

DOCKET ENTRY TEXT

Defendants Margo Ely, Joe Matchett, and Peter Burchard's Joint Motion to Dismiss Pursuant to FRCP 12(b)(6) [34] is granted without prejudice. Plaintiff's Motion for Leave to File Second Amended Complaint [39] is denied. Plaintiff is granted 14 days to file a Third Amended Complaint that complies with FRCP 8(a)(2).

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On January 9, 2008, three Defendants filed a joint Motion to Dismiss. The court set a briefing schedule, ordering Plaintiff to file a response on or before January 31, 2008. Instead of responding directly to the Motion to Dismiss, Plaintiff filed a Motion for Leave to File Second Amended Complaint. Plaintiff's Second Amended Complaint is thirty pages long, with eighty-six numbered paragraphs. Many of these numbered paragraphs include lengthy sub-paragraphs. Plaintiff's initial Complaint was twenty pages long, with seventy-five numbered paragraphs. The Second Amended Complaint, however, eliminates references to Alice in Wonderland.

FRCP 8(a)(2) indicates that a complaint should contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]" "This 'short and plain statement' requires a plaintiff to allege no more than 'the bare minimum facts necessary to put the defendant on notice of the claim so that he can file an answer.'" Brown v. Budz, 398 F.3d 904, 908 (7th Cir. 2005) (quoting Higgs v. Carver, 286 F.3d 437, 439 (7th Cir. 2002)). "Usually [plaintiffs] need do no more than narrate a grievance simply and directly, so that the defendant knows what he has been accused of." Doe v. Smith, 429 F.3d 706, 708 (7th Cir. 2005). A plaintiff should therefore not include "an exhaustive recitation of the facts or elements of the claim" in the complaint. Lakas v. Briley, 405 F.3d 602, 606 (7th Cir. 2005).

The court grants Defendants' Motion to Dismiss without prejudice, and denies Plaintiff's Motion for Leave to File Second Amended Complaint. Plaintiff is granted leave to file a Third Amended Complaint that complies with the requirements of FRCP 8(a)(2).

Courtroom Deputy
Initials: